

## **REMARKS**

### **Status of the claims:**

With the above amendments, claims 2-7, 11-40, and 53-60 have been amended, and claims 8-10 were previously canceled. Thus, claims 1-7 and 11-62 are pending and ready for further action on the merits. Applicants would like to thank the Examiner for acknowledging that claims 1, 11-45, 61, and 62 are allowable. No new matter has been added by way of the above amendments. The claims have merely been amended by changing transitional phrases and to correct minor inconsistencies in the claims. Most of these amendments are non-narrowing in scope. Reconsideration is respectfully requested in light of the following remarks.

### **Rejoinder of Claims**

The Examiner, in the Office Action of January 25, 2005, asserts that claims 46-60 have been withdrawn from being examined. Applicants respectfully request that the Examiner reconsider this restriction. Applicants respectfully submit that if the product is new and non-obvious (*i.e.*, the Examiner acknowledges that claim 1 is allowable and the claims dependent from claim 1 merely have objections to them), any composition containing this product, or any method of using this product must also necessarily be new and non-obvious. Accordingly, Applicants respectfully request rejoinder of these claims consonant with the holding as set out in *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996) and further as appears at MPEP 2116.01.

**Rejections under 35 U.S.C. §112**

Claims 2-7 are rejected under 35 U.S.C. §112, first paragraph as allegedly not being enabled. The Examiner asserts that claims 2-7 are not enabled for the use of the transitional phrase “comprising”. Applicants have amended the claims so that the transitional phrase “comprising” and its derivatives are replaced with the appropriate tense of the verb “to be”. Applicants believe that with these amendments that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

Claims 2-7 have been rejected under U.S.C. §112, fourth paragraph for a failure to further limit the claim from which they depend. Applicants have amended claims 2-7 so that they are correctly dependent from the claim from which they depend (*i.e.*, claim 1). Applicants believe that with these amendments that the rejection has been obviated. Withdrawal of the rejection is warranted and respectfully requested.

**CONCLUSION**

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 607-7486 to discuss any issues.

Respectfully submitted,



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